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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Michelle Chartrand,	)	Civil Case No. _____
	)	
Plaintiff,	)	<b>COMPLAINT FOR:</b>
	)	
v.	)	1. 42 U.S.C. § 1983: Illegal Arrest;
	)	2. 42 U.S.C. § 1983: Excessive
County of Riverside, Desert Sands	)	Force;
Unified School District, Does 1-10,	)	3. ADA: Wrongful Arrest;
	)	4. ADA: Failure to Accommodate;
Defendants.	)	5. Battery;
	)	6. Negligence;
	)	7. Negligent Training and
	)	Supervision;
	)	8. Cal. Civ. Code § 52.1.

**DEMAND FOR JURY TRIAL**

1 **INTRODUCTION**

2 1. Plaintiff Michelle Chartrand—an autistic member of the Riverside  
3 community—suffered injuries as a result of an encounter with law-enforcement  
4 officers at her school. Despite having no reason to forcibly detain and arrest  
5 Plaintiff—and fully aware of her disability—officers for the Riverside County  
6 Sheriff’s Department wrestled with Plaintiff, tackled her to the ground,  
7 handcuffed her, and caused her head to strike the concrete pavement. Plaintiff  
8 suffered injuries as a result. She requests a jury trial to pursue justice on the  
9 claims detailed in this complaint.  
10

11 **JURISDICTION AND PARTIES**

12 2. This is a civil action where jurisdiction is founded on a federal  
13 question under 28 U.S.C. § 1331.  
14

15 3. Plaintiff’s claims arise in the judicial district where the events and  
16 omissions giving rise to this complaint occurred, namely the city of La Quinta in  
17 the County of Riverside, which is situated within the Central District of  
18 California.  
19

20 4. At all relevant times, Plaintiff Michelle Chartrand was a citizen of the  
21 United States and a resident of the County of Riverside.

22 5. Defendant County of Riverside is a public entity, duly organized and  
23 existing under the laws of the State of California. The Riverside County Sheriff’s  
24 Department (“RCSD”) is the County of Riverside’s law-enforcement branch.

25 6. Defendant Desert Sands Unified School District is a public entity,  
26 duly organized and existing under the laws of the State of California.

27 7. At all relevant times, Defendants Does 1-5 were deputies with the  
28 RCSD. The identity of these defendants is currently unknown. On information

1 and belief, Does 1-5 were the deputies that intervened with Plaintiff on August 30,  
2 2018.

3 8. At all times relevant, Does 6-10 were employees and/or security  
4 officers of the Desert Sands Unified School District. The identity of these  
5 defendants is currently unknown. On information and belief, these employees  
6 intervened with Plaintiff on August 30, 2018.

7  
8 9. Venue is proper in the United States District Court for the Central  
9 District of California under 28 U.S.C. § 1391.

10 10. Plaintiff filed a timely tort claim against the County of Riverside and  
11 its employees under California Government Code Sections 910 *et seq.* on  
12 February 26, 2019. The claim was denied on March 6, 2019.

13 11. Plaintiff filed a timely tort claim against the Desert Sands Unified  
14 School District and its employees under California Government Code Sections  
15 910 *et seq.* on February 26, 2019. The claim was denied on March 19, 2019.

16  
17 **FACTUAL ALLEGATIONS**

18 12. Plaintiff is an adult diagnosed with autism spectrum disorder.

19 13. Autism spectrum disorder, according to the National Institute of  
20 Mental Health, is a developmental disorder that affects communication and  
21 behavior.

22 14. According to the Diagnostic and Statistical Manual of Mental  
23 Disorders (DSM-5), people with autism have difficulty communicating and  
24 interacting with others, restricted interests and repetitive behaviors, and symptoms  
25 that impair the person's ability to function properly in school, work, and other  
26 areas of life.  
27  
28

1           15. On the morning of August 30, 2018, Plaintiff was dropped off by her  
2 mother at Summit High School in La Quinta, CA.

3           16. Summit High School is part of the Desert Sands Unified School  
4 District (“DSUSD”).

5           17. Summit High School offers Special Education courses for students  
6 with learning disabilities.

7           18. Plaintiff attended Special Education courses at the school.

8           19. Shortly after Plaintiff arrived at the school, DSUSD campus security  
9 allegedly received information that Plaintiff “had gone off campus and started  
10 walking home.”

11           20. Two DSUSD security officers responded and allegedly found  
12 Plaintiff “walking down the sidewalk along Palm Royale [Drive].”

13           21. Plaintiff was simply walking down the sidewalk and presented no  
14 danger of harm to herself or anyone else.

15           22. DSUSD personnel attempted to stop Plaintiff from continuing to  
16 walk down the sidewalk.

17           23. DSUSD personnel also called the RCSD and advised that they  
18 needed assistance with a Special Education student.

19           24. According to DSUSD personnel, Plaintiff told them to leave her  
20 alone and stated that she was walking home.

21           25. According to DSUSD personnel, Plaintiff arrived at an intersection  
22 pressed the crosswalk button, and waited for the crosswalk sign to signal her to  
23 cross when safe.

24           26. At that point, DSUSD personnel grabbed Plaintiff’s wrist and  
25 attempted to restrain her.  
26  
27  
28

1           27. According to DSUSD personnel, Plaintiff struggled to free herself  
2 from the DSUSD officer's grasp.

3           28. Plaintiff struggled to free herself because individuals with autism  
4 often have hypersensitivity to sounds or touch, a condition known as tactory or  
5 sensory defensiveness. Many people with autism often do not like being grabbed  
6 or touched, as even a slight touch can cause great anxiety, discomfort, and even  
7 physical pain due to their disability.

8           29. According to DSUSD personnel, after restraining Plaintiff, she and  
9 an unknown school security officer began talking on the sidewalk.

10           30. An RCSD deputy arrived at Plaintiff's location soon after.

11           31. DSUSD personnel told the RCSD deputy that Plaintiff was a Special  
12 Education student.

13           32. The deputy told DSUSD personnel that the school employees "would  
14 be more equipped to handle this call and he would stand in the back for safety  
15 purposes."

16           33. According to DSUSD personnel, several minutes later Plaintiff  
17 "attempted to walk off down the sidewalk again."

18           34. The RCSD deputy blocked Plaintiff's path.

19           35. According to DSUSD personnel, Plaintiff allegedly told the deputy to  
20 "move out of the way."

21           36. The RCSD deputy responded by grabbing Plaintiff's shoulders.

22           37. Plaintiff was not doing anything illegal or engaged in any  
23 wrongdoing at the time. Plaintiff was simply walking on the sidewalk.

24           38. According to DSUSD personnel, Plaintiff became upset at that point  
25 and allegedly "tried to escape the deputy's grasp."

1           39. Plaintiff's reaction, if any, was due to the fact that autistic individuals  
2 have hypersensitivity to touch and do not like to be touched, particularly by  
3 people they do not know or trust.

4           40. The RCSD deputy knew or should have known that forcefully  
5 grabbing and touching a person with autism could cause physical harm, anxiety,  
6 stress, and emotion distress to that person.

7           41. A properly-trained deputy would have known that forcefully  
8 grabbing and touching a person with autism could cause significant harm, anxiety,  
9 stress, and emotional distress to that person.

10           42. But because the RCSD deputy was not properly trained, he continued  
11 to escalate the encounter.

12           43. The RCSD deputy continued to forcefully grab Plaintiff while  
13 attempting to subdue her.

14           44. Plaintiff cried out and pleaded with the deputy to "leave me alone"  
15 and told them that she was "going home."

16           45. At that point, the RCSD deputy knew or should have known that  
17 Plaintiff was autistic or mentally disabled, that she was not engaged in any  
18 wrongdoing or criminal activity, and that there was no reason to attempt to detain  
19 and restrain her in a forceful manner.

20           46. At that point, the RCSD deputy knew or should have known that  
21 continuing to forcefully restrain Plaintiff only worsened Plaintiff's physical pain,  
22 fear, anxiety, and emotional distress.

23           47. According to DSUSD personnel, another RCSD deputy arrived at the  
24 scene at that point.

25           48. This second RCSD deputy grabbed one of Plaintiff's arms while the  
26 other deputy grabbed Plaintiff's other arm.  
27  
28

1           49. According to DSUSD personnel, the second deputy attempted to  
2 handcuff Plaintiff while the two deputies wrestled her to the ground.

3           50. During this forceful restraint, the deputies caused Plaintiff's head and  
4 forehead to hit the concrete pavement.

5           51. A gash opened on Plaintiff's forehead, drawing blood.

6           52. This second RCSD deputy knew or should have known that Plaintiff  
7 was autistic or mentally disabled, that she was not engaged in any criminal  
8 activity, and that there was no reason to attempt to detain and restrain her in a  
9 forceful manner.  
10

11           53. This second RCSD deputy knew or should have known that  
12 continuing to forcefully restrain and handcuff Plaintiff only worsened Plaintiff's  
13 physical pain, fear, anxiety, and emotional distress.

14           54. A properly-trained deputy would have known that forcefully grabbing  
15 and touching a person with autism could cause significant harm, anxiety, stress,  
16 and emotional distress to that person. But because this second RCSD deputy was  
17 not properly trained he or she contained to forcefully restrain Plaintiff.

18           55. The deputies ultimately handcuffed and detained Plaintiff.

19           56. During the entire incident, DSUSD officers and employees stood by  
20 doing nothing.

21           57. Sometime later, the school principal approached the area and  
22 readvised the deputies that Plaintiff was a Special Education student.

23           58. The deputies acknowledged the advisement and conducted a welfare  
24 check on Plaintiff, but did not remove the handcuffs from Plaintiff.

25           59. Plaintiff's mother eventually arrived and requested that Plaintiff be  
26 released to her.  
27

28           60. Plaintiff was allowed to leave with her mother.

63. Plaintiff was not charged with any civil or criminal violations as a result of the incident.

64. In the weeks after the incident, Plaintiff made repeated attempts to obtain the RCSD's reports and records regarding the incident.

66. The RCSD summarily denied Plaintiff's PRA request and has refused to disclose any information pertaining to the incident to this day.

**(Doe RCSD deputies)**

67. Plaintiff re-alleges and incorporates herein by reference each and every allegation contained in the preceding paragraphs.

68. The Doe RCSD deputies, during all times relevant herein, were acting under color of state law. These defendants are being sued in their individual capacity for the purposes of this cause of action.

69. Plaintiff had a Fourth Amendment right to freedom of movement, and to be free from illegal and unreasonable arrest.

70. The Doe RCSD deputies violated this right by detaining and arresting Plaintiff for no reason, and without reasonable suspicion or probable cause. These

1 defendants were not acting in good faith, was acting under color of law, and  
2 violated Plaintiff's Fourth Amendment rights.

3 71. The Doe RCSD deputies' actions in illegally detaining and arresting  
4 Plaintiff caused damages to her in an amount to be proven at trial.  
5

6  
7 **SECOND CAUSE OF ACTION**

8 **Violation of constitutional rights under color of law (42 U.S.C. § 1983)**

9 **(Use of excessive force)**

10 **(Doe RCSD deputies)**

11 72. Plaintiff realleges and incorporates herein by reference each and  
12 every allegation contained in the preceding paragraphs.

13 73. The Doe RCSD deputies, during all times relevant herein, were acting  
14 under color of state law. These defendants are being sued in their individual  
15 capacity for the purposes of this cause of action.

16 74. Plaintiff had a Fourth Amendment right to be free from being  
17 subjected to the use of excessive force by an arresting officer.

18 75. The Doe RCSD deputies violated this right by unlawfully tackling  
19 and wrestling Plaintiff to the ground and causing her head to hit the concrete  
20 pavement, despite having no reasonable suspicion or probable cause to believe  
21 that any wrongdoing or crime had been committed.  
22

23 76. These Doe RCSD deputies were not acting in good faith, were acting  
24 under color of law, and violated Plaintiff's Fourth Amendment rights to be free  
25 from excessive force.

26 77. The Doe RCSD deputies' actions in tackling and wrestling Plaintiff  
27 to the ground, and causing her head to hit against the concrete pavement as part of  
28

1 an illegal and unreasonable arrest caused damages to Plaintiff in an amount to be  
2 proven at trial.

3  
4 **THIRD CAUSE OF ACTION**

5 **Americans with Disabilities Act (42 U.S.C. §12132)**

6 **(Wrongful Arrest)**

7 **(County of Riverside)**

8  
9 78. Plaintiff realleges and incorporates herein by reference each and  
10 every allegation contained in the preceding paragraphs.

11 79. Plaintiff is an individual with a disability under the law.

12 80. Specifically, Plaintiff has autism spectrum disorder, a physical and  
13 mental impairment that substantially limits one or more of Plaintiff's major life  
14 activities, including caring for herself, performing manual tasks, learning,  
15 concentrating, communicating, and interacting with others.

16 81. Plaintiff, as an individual with autism spectrum disorder, is qualified  
17 under the ADA to be free from discrimination by any public entity.

18 82. The County of Riverside, through the RCSD, is a public entity within  
19 the meaning of the ADA.

20 83. The County of Riverside discriminated against Plaintiff by  
21 wrongfully arresting her because of her disability.

22 84. The County of Riverside knew or should have known that Plaintiff  
23 was disabled.

24 85. The County of Riverside arrested Plaintiff because of conduct related  
25 to Plaintiff's disability.

26 86. Specifically, the County of Riverside arrested Plaintiff because of her  
27 hypersensitivity to touch and other general conduct caused by her autism. On  
28

1 information and belief, the County understood this conduct to be wrongdoing and  
2 criminal activity instead of symptoms of Plaintiff's disability, and wrongfully  
3 arrested Plaintiff as a result.

4 87. The County's actions amounted to a wrongful arrest under the ADA,  
5 constituted discrimination for reason of Plaintiff's disability in violation of the  
6 ADA, and proximately and foreseeably caused damages to Plaintiff in an amount  
7 to be proven at trial.  
8

9  
10 **FOURTH CAUSE OF ACTION**

11 **Americans with Disabilities Act (42 U.S.C. §12132)**

12 **(Failure to Accommodate)**

13 **(County of Riverside)**

14 88. Plaintiff realleges and incorporates herein by reference each and  
15 every allegation contained in the preceding paragraphs.

16 89. Plaintiff, as a disabled individual, has a right to be free from  
17 discrimination by a public entity by reason of her disability.

18 90. The County had a duty under the ADA to provide Plaintiff reasonable  
19 accommodation upon learning of Plaintiff's disability.

20 91. The County violated this duty by failing to reasonably accommodate  
21 Plaintiff despite learning of her disability.

22 92. The County knew or should have known that Plaintiff was autistic.

23 93. The County could have attempted alternate means of interacting and  
24 communicating with Plaintiff before relying on unjustified and excessive force to  
25 restrain and handcuff Plaintiff.  
26

27 94. The County could have attempted to use verbal commands to  
28 communicate with Plaintiff. The County could have requested and relied upon

1 assistance from school personnel to communicate with Plaintiff. The County  
2 could have requested assistance from officers trained in interactions with mentally  
3 disabled individuals.

4 95. Instead, the County relied on substantial physical force to wrestle  
5 Plaintiff to the ground, cause her head to hit the concrete pavement, handcuff her,  
6 and detain her.

7 96. The County then refused to accommodate Plaintiff's disability after  
8 arresting her despite being informed that Plaintiff was autistic. The County kept  
9 Plaintiff handcuffed on the ground despite being repeatedly informed that Plaintiff  
10 was autistic.

11 97. The County's failure to accommodate Plaintiff while arresting her  
12 caused Plaintiff to suffer greater injury and indignity during the process as  
13 compared to other arrestees.

14 98. The County's actions amounted to a failure to accommodate in  
15 violation of the ADA, constituted discrimination for reason of Plaintiff's disability  
16 in violation of the ADA, and proximately and foreseeably caused damages to  
17 Plaintiff in an amount to be proven at trial.  
18  
19

20  
21 **FIFTH CAUSE OF ACTION**

22 **Battery**

23 **(Doe RCSD deputies)**

24 99. Plaintiff realleges and incorporates herein by reference each and every  
25 allegation contained in the preceding paragraphs.

26 100. The Doe RCSD deputies acted with an intent to cause harmful or  
27 offensive contact with the person of Plaintiff and the intended harmful or  
28 offensive contact did in fact occur.



1           107. Defendant DSUSD and Doe DSDUSD officers and employees had a  
2 duty to safeguard the safety of their students. Defendants had a duty to protect  
3 their special-needs students from being harmed during encounters with law  
4 enforcement. Defendants had a duty to communicate with their students to avoid  
5 escalating incidents that may result in harm to their students.

6           108. Defendants breached these duties and caused harm to Plaintiff,  
7 including physical pain and suffering, terror, mental anguish, and humiliation.

8           109. The Doe RCSD deputies acted in their official capacity and in the  
9 scope of their employment as officers for the County.

10           110. The Doe DSUSD officers and employees also acted in their official  
11 capacity and in the scope and employment as officers for the DSUSD.

12           111. As a direct, proximate, and foreseeable result of these defendants'  
13 breach of their duties of care, Plaintiff suffered damages in an amount according  
14 to proof at the time of trial.  
15

16  
17                           **SEVENTH CAUSE OF ACTION**

18                           **Negligent Training and Supervision**

19                           **(All defendants)**

20           112. Plaintiff realleges and incorporates herein by reference each and  
21 every allegation contained in the preceding paragraphs.

22           113. Defendants had a duty to use reasonable care in the training and  
23 supervision of their employees. Defendants had a duty to train their employees in  
24 the proper means of interacting with people with disabilities, including individuals  
25 with autism spectrum disorder. Defendants had duty to properly train their  
26 employees to avoid exposing disabled citizens to illegal arrests and avoid  
27 exposing them to the risk of excessive force. Defendants had a duty to supervise  
28

1 their employees to ensure that disabled individuals are not exposed to harm from  
2 law-enforcement officers.

3 114. Defendants breached their duty of care and caused harm to Plaintiff,  
4 including physical pain and suffering, terror, mental anguish, and humiliation.

5 115. As a direct, proximate, and foreseeable result of these defendants'  
6 breach of their duty of care, Plaintiff suffered damages in an amount according to  
7 proof at the time of trial.

8  
9 **EIGHTH CAUSE OF ACTION**

10 **Bane Act (Cal Civ. Code § 52.1)**

11 **(County of Riverside, Doe RCSD deputies)**

12 116. Plaintiff realleges and incorporates herein by reference each and  
13 every allegation contained in the preceding paragraphs.

14 117. California Civil Code, Section 52.1 (the Bane Act), prohibits any  
15 person from using violent acts or threatening to commit violent acts in retaliation  
16 against another person for exercising that person's constitutional rights.

17 118. On information and belief, Defendant Doe RCSD deputies, while  
18 working for the County of Riverside and acting within the course and scope of  
19 their duties, intentionally committed and attempted to commit acts of violence  
20 against Plaintiff, including using excessive force against her and causing her head  
21 to strike against the concrete pavement.

22 119. When Defendants used this force against Plaintiff, they interfered  
23 with Plaintiff's civil rights to be free from unreasonable searches and seizures, to  
24 due process, to equal protection of the laws, to be free from state actions that  
25 shock the conscience, and to life, liberty, and property.

26 120. On information and belief, Defendants intentionally committed the  
27 above acts to discourage Plaintiff from exercising her civil rights, to retaliate  
28

1 against her for invoking such rights, or to prevent her from exercising such rights,  
2 why she was fully entitled to enjoy.

3 121. On information and belief, Plaintiff reasonably believed and  
4 understood that the violent acts committed by Defendants were intended to  
5 discourage her from exercising the above civil rights, to retaliate against her for  
6 invoking such rights, or to prevent her from exercising such rights.

7 122. Defendants' conduct was a substantial factor in causing Plaintiff's  
8 harm, losses, injuries, and damages.  
9

10 **PRAYER FOR RELIEF**

11 Plaintiff prays for judgment against Defendants as follows:

- 12 1. General and compensatory damages in an amount according to proof;  
13 2. Special damages, including medical expenses;  
14 3. Civil penalties as provided by law;  
15 4. Interest, both pre- and post-judgment, as permitted by law;  
16 5. Costs of suit;  
17 6. Attorneys' fees as provided by statute;  
18 7. And for such other and further relief, in law or equity, as the Court  
19 may deem proper.  
20

21 Respectfully Submitted,

22 SCOTT TRIAL LAWYERS, APC

23 *s/ Timothy A. Scott*  
24

25 Dated: September 6, 2019

26  
27 \_\_\_\_\_  
28 TIMOTHY A. SCOTT  
NICOLAS O. JIMENEZ  
Attorneys for Plaintiff